

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JAMES) APPEAL NO. 07-A-2039
STEAMBARGE from the decision of the Board of) FINAL DECISION
Equalization of Bonner County for tax year 2007.) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 15, 2007, in Sandpoint, before Hearing Officer Linda S. Pike. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant James Steambarge did not appear at hearing. Assessor Jerry Clemons and Residential Appraisers Jeri Peterson and Jennifer Clevenger appeared for Respondent Bonner County. This appeal is taken from a decision of the Bonner County Board of Equalization (BOE) modifying the protest of the valuation for taxing purposes of property described as Parcel No. RP 0386001004A A.

The issue on appeal is the market value of waterfront property.

The decision of the Bonner County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$621,600, the improvements' valuation is \$110,534, and other improvements value is \$6,345, totaling \$738,479. Appellant requests the land value be reduced to \$405,120, the improvements' value be reduced to \$72,000, and the other improvements value remain at \$6,345, for a total assessed value of \$483,465.

The subject property is a waterfront parcel with a single-family residence, located on Garfield Bay near Sagle, Idaho. Subject parcel has 202.56 feet of waterfront with a gradual slope to a flat stony beach and a swimming area. Subject is described as having a moderate slope up to a level homesite.

Appellant was properly noticed regarding the hearing time and place, however, did not

appear at hearing. As such nothing was offered into evidence to support Appellant's proposed value. On October 17, 2007, the Board received a package of materials from Appellant, presumably offered as evidence in this appeal.

Respondent explained that subject was originally assessed for \$456,632 on the land, \$83,525 for the improvements, and other valuation for \$6,345, resulting in a total assessed value of \$546,502. During preparation for the BOE hearing, Respondent discovered that subject was undervalued so moved the BOE to increase the value as outlined above, for a total assessed value of \$738,479. Respondent presented several sales of waterfront property in the area and the BOE upheld subject's higher proposed value. Respondent stated that sales analysis in the area supported subject's value and asked this Board to uphold the BOE decision.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

For the purposes of property taxation, Idaho adheres to the market value standard as defined in Idaho Code § 63-201(10) -

"Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

As noted above, Appellant mailed the Board a package of materials, but as it was received after the record was closed, it cannot be considered in this decision.

Respondent provided several sale properties in the area to arrive at the assessed value

of subject. "The value of property for purposes of taxation determined by an assessor is presumed correct, and the burden of proof is on the taxpayer to show by [a preponderance of the evidence] that the taxpayer is entitled to the relief claimed." Merris v. Ada County, 100 Idaho 59, 64, 593 P.2d 394, 399 (1979). As Appellant failed to appear at hearing, the burden of proof has not been satisfied. The Board has no choice but to uphold Respondent's proposed value.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Bonner County Board of Equalization concerning the subject parcel be, and the same hereby is, AFFIRMED.

MAILED November 26, 2007